

TEMPORARY PROCEDURES FOR FELONY CRIMINAL PROCEEDINGS

During the course of the judicial emergency, the Circuit Court of Fairfax County has been conducting arraignments, bond motions, and hearings involving speedy trial issues. The Court will now begin to hear certain additional criminal proceedings, with the goal of expanding the number and types of hearings in the near future. The Court has determined that the highest priority should be placed on the following three types of cases:

- Felony pleas involving a defendant presently incarcerated at the Fairfax Adult Detention Center.
- Felony sentencings and probation violations involving defendants presently incarcerated at the Fairfax Adult Detention Center.
- Contested non-evidentiary criminal motions in felony cases. (As to uncontested motions in felony or misdemeanor cases, the parties may waive a hearing and submit agreed orders to the Court.)

Please note the following additional considerations:

1. All proceedings will be conducted remotely but only if all parties and witnesses agree to do so. This means that the ACA, defense counsel and the defendant will appear remotely, through Webex or by telephone.
2. In accordance with Chief Justice Lemons' April 10, 2020 memorandum, witnesses who will be testifying at hearings must also consent to appear remotely.
3. If an interpreter is required, the interpreter will appear either remotely or in the courtroom with a telephone accessible to the defendant. The decision whether to appear remotely, or in the courtroom, will be up to the interpreter.
4. Victim services and victims may attend proceedings remotely, and should notify the Clerk in advance of a hearing to make the arrangements.
5. Court reporters may attend proceedings either remotely or in person, as they wish.
6. For sentencings and revocation hearings, the probation officer will appear remotely.
7. The judge will be in the courtroom along with a Court Clerk and a Deputy Sheriff.
8. All persons who are present in the courtroom will practice social distancing in accordance with CDC.gov and Virginia Department of Health recommendations. See <http://www.vdh.virginia.gov/coronavirus/what-is-social-distancing-and-how-can-i-do-my-part-to-slow-the-spread-of-covid-19/>.
9. Felony pleas and felony motions can be scheduled by calling the Clerk at **703-246-4946** or by email to CCRCriminalScheduling@fairfaxcounty.gov, at least one week before the scheduled hearing. Please provide: (1) the defendant's name; (2) the case number; (3) whether the defendant is incarcerated and where; (4) the trial date, if one has been set; (5) the proceeding about which you are contacting the clerk (e.g., setting up a plea or criminal motion); (6) the name, phone number and email address for all counsel; (7) the names, email addresses and contact information of any witnesses or other individuals who will be attending or participating in the hearing; and (8) whether all participants consent to the hearing being conducted remotely.

10. Any email addresses or phone numbers provided to the Clerk of the Court for victims or witnesses shall be placed under seal.
11. All proceedings will take place on a Friday, unless the Court determines otherwise. It is anticipated that the hearings will be scheduled at different times during the day. The time will be conveyed to all parties at least three days prior to the hearing.
12. At least 24 hours before the plea is scheduled to take place, counsel must provide the Court an executed copy of the plea form (signed by the Commonwealth, defense counsel and the defendant) and should also provide a courtesy copy of the form by email to the assigned Judge's Court Clerk.
13. With respect to felony sentencings, the Court will only conduct felony sentencings in which the PSI has been completed or will be completed in time for defense counsel to review the PSI with the defendant. Counsel for the Commonwealth and the Defendant should notify the Court Clerk if any witnesses will be testifying at sentencing and provide an email address for the witness, which shall be placed under seal, so that the witness can be invited to attend the sentencing proceeding on Webex. There will be only remote witness testimony by agreement of the parties and the witness.
 - All pleadings and other submissions, such as sentencing memoranda and supporting documents, must be filed as usual, with a courtesy copy sent by email to the Court Clerk. No memoranda, certificates, or exhibits will be accepted in Court on the day of the hearing as all parties will be appearing remotely.